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July 22, 2021

VIA ECF

The Honorable Andrew L. Carter, Jr.  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

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**MEMO ENDORSED**

Re: *Hedgeye Risk Management, LLC v. Dale*, No. 21-cv-3687 (ALC) (RWL)

Dear Judge Carter:

We represent Defendant Darius Dale and, in connection with Mr. Dale's opposition to Hedgeye's renewed motion for a preliminary injunction, write to request leave to file under seal portions of the transcript of Mr. Dale's deposition, which are attached as Exhibit A to the declaration of Michelle N. Holmes.

As set forth in the letter of Thomas E. Wallerstein, counsel for Hedgeye, dated July 16, 2021, Hedgeye is treating the entire deposition transcript as confidential for purposes of the pending motion. (Dkt. 64). The Stipulated Confidentiality Agreement and Protective Order therefore requires us to file it under seal. (Dkt. 45 at 9). Many of the transcript pages in Exhibit A to Ms. Holmes's declaration also appear in Exhibit A to Mr. Wallerstein's declaration (Dkt. 65-1), which the Court authorized to be sealed (Dkt. 68).

SO ORDERED:

HON. ANDREW L. CARTER, JR.  
UNITED STATES DISTRICT JUDGE

Respectfully,

/s/ Fabien M. Thayamballi

Fabien M. Thayamballi

July 23, 2021